

The Honorable Paul B. Snyder
Chapter 13
Location: Tacoma, Washington
Hearing Date: October 10, 2013
Hearing Time: 1:00 p.m.
Response Date: October 3, 2013

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

)
) NO. 08-45470-PBS
)
)
) Tuan Dinh Nguyen and Hoa Tuyet Nguyen,) NOTICE AND MOTION TO
) MODIFY PLAN WITH DEBTOR DECLARATION
)
) Debtors.)
)
_____)

NOTICE

You are hereby notified that the undersigned will bring on for hearing, before the Bankruptcy Judge of the above-entitled Court located at 1717 Pacific Avenue, Courtroom H, Tacoma, Washington, on **October 10, 2013, at 1:00 p.m.**, a Motion to Modify Plan.

RESPONSE DUE

IF YOU OPPOSE the motion, you must file your written response with the Court Clerk, serve two copies on the Judge's chambers, and deliver copies on the undersigned, NOT LATER THAN THE RESPONSE DATE, which **October 3, 2013**. IF NO RESPONSE IS TIMELY FILED AND SERVED, the court may, in its discretion, GRANT THE MOTION PRIOR TO THE HEARING, WITHOUT FURTHER NOTICE, and strike the hearing.

I. MOTION

COMES NOW the debtors, by and through the attorney of record, Kimberly A. Macdonald, and moves the Court to allow modification of the Debtor's Chapter 13 Plan to surrender real property located at 4205 Browns Pt. Blvd NE, Tacoma, WA 98422 and change the plan payments from \$270.00 bi-weekly to \$305.00 bi-weekly. This motion is based upon the files and records herein and upon subjoined declaration of counsel.

NOTICE AND MOTION TO MODIFY PLAN
WITH DECLARATION BY DEBTOR
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II. DECLARATION OF COUNSEL

I declare under penalty of perjury, under the laws of the State of Washington, that the following is true and correct to the best of my knowledge and belief:

1. I, Kimberly Macdonald, am the attorney of record for the above referenced Debtors.
2. The Debtors filed this case on October 23, 2008, and the 60 month plan was confirmed on May 28, 2009.
3. Due to the unemployment of Mrs. Nguyen, the Debtors' income has decreased.
4. The Debtors are unable to afford their mortgages, thus, the modified plan provides for surrender of the residence property located at 4205 Browns Pt. Blvd NE, Tacoma, WA 98422.
5. The Debtors' payments in this modified Chapter 13 plan will change from \$270.00 bi-weekly to \$305.00 bi-weekly.
6. Both Schedules I and J have been amended and filed.
7. The unsecured creditors will continue to receive little, if any funds.

Dated this 27th day of August 2013.

/s/Kimberly Macdonald
Kimberly Macdonald
WSBA #22564
Attorney for Debtor(s)

III. DECLARATION OF DEBTOR

I/We declare under penalty of perjury, under the laws of the State of Washington, that the above is true and correct to the best of our knowledge and belief.

Dated this 27th day of August 2013.

/s/Tuan Dinh Nguyen
Tuan Dinh Nguyen

/s/Hoa Tuyet Nguyen
Hoa Tuyet Nguyen